

## CHAPTER 38 BEAUTY SHOPS AND COSMETOLOGY

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### 3800 GENERAL PROVISIONS

- 3800.1 The provisions of this chapter shall be applicable to all persons licensed under the Cosmetology Act, and to any building, part of a building, booth, or other facility under the control of any person licensed under the Cosmetology Act and directly or indirectly used in connection with the practice of cosmetology.
- 3800.2 Upon request by the Board, the Chief of Police shall furnish the Board a copy of the police record of any applicant for a license as the Board may have reason to believe is not morally qualified to be issued a license.

- 3800.3 Each section and every part of each section of this chapter shall be independent of every other section or part, and the finding or holding of any section or part to be void or ineffective for any cause shall not be deemed to affect any other section or part.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is §3 of An Act to provide for the examination and licensing of those engaging in the practice of cosmetology in the District of Columbia, approved June 7, 1938 (52 Stat. 613), D.C. Code §2-903; §402 (60) of Reorganization Plan No. 3 of 1967 (D.C. Code (1981), Volume 1 at 137).

**SOURCE:** Sections 2102, 2201, and 2701 of Commissioners' Order 55-1193, issued June 23, 1955, (Noticed at 2 DCR 2 July 18, 1955).

### 3801 ENFORCEMENT AND PENALTIES

- 3801.1 Both prior to the issuance of a beauty shop license and during the license period, the District shall have the right to enter and inspect the premises occupied by the beauty shop at reasonable times.
- 3801.2 The applicant for a beauty shop license or the beauty shop licensee shall take appropriate action to ensure to the District access to all parts of the premises occupied by the beauty shop, for the purpose of facilitating inspection of the premises.
- 3801.3 Failure by an applicant for a beauty shop license or a beauty shop licensee to comply with the requirements of §§3801.1 and 3801.2 so as to provide for inspection by the District of the premises occupied by the beauty shop, shall be cause for withholding the issuance of the license until the time as inspection is permitted, or for the revocation of any existing license.
- 3801.4 The Director of Consumer and Regulatory Affairs, the Fire Chief, the Director of Human Services, the Chief of Police, and the Board of Cosmetology shall inspect or otherwise investigate every licensed beauty shop and any building or part of a building for which a beauty shop application has been filed with the District as follows:
- (a) The Director of Consumer and Regulatory Affairs shall determine conformity with the applicable provisions of laws and regulations enforced by him or her;
  - (b) The Fire Chief shall require that the building or part of the building shall comply with the applicable provisions of the laws and regulations enforced by him or her relating to fire prevention and control;
  - (c) The Director of Human Services shall require that the premises comply with the applicable provisions of other laws and regulations enforced by him or her relating to public health;
  - (d) The Chief of Police shall require that the beauty shop licensee comply with the applicable provisions of the laws and regulations enforced by him or her relating to the operation of beauty shops; and
  - (e) The Board of Cosmetology shall determine conformity with the applicable provisions of laws and regulations relating to the practice of cosmetology.
- 3801.5 Each license issued under the authority of the Cosmetology Act or the License Act (Title 47 D.C. Code, chapter 28) shall be subject to suspension or revocation



for failure on the part of the licensee to comply with these regulations, or when suspension or revocation is deemed desirable in the interest of public decency or the protection of lives, limbs, health, comfort, and the quiet of the public.

3801.6 Any person who fails to comply with any provision of this chapter shall, upon conviction, be punished by a fine not to exceed three hundred dollars (\$300), or by imprisonment not to exceed ninety (90) days, for each failure to comply.

3801.7 In the event of any failure to comply with the provisions of this chapter, each and every day of the failure shall constitute a separate offense, and the penalties prescribed in §3801.6 shall be applicable to each separate offense.

3801.8 The violation of any of the provisions of this chapter or the failure to comply with any of the requirements of this chapter shall be cause for the institution of proceedings as provided for in the License Act.

**SOURCE:** Sections 2202, 2203, and 2205 of Commissioners' Order 55-1193, issued June 23, 1955.

## **3802 BEAUTY SHOP LICENSES**

3802.1 No person shall operate a beauty shop business in any premises in the District without first having been issued a beauty shop license for the premises by the Director of Consumer and Regulatory Affairs.

3802.2 A license to engage in the practice of cosmetology issued to any person who is not a resident of the District shall be issued with the understanding that any notice to the licensee from any agency or department of the District government may be delivered to the licensee, if the licensee is not to be found within the District after reasonable search, by leaving a copy of the notice with any person of suitable age and discretion at the place of business of the licensee.

3802.3 No license to operate or conduct a beauty shop business in the District shall be issued until the Director of Consumer and Regulatory Affairs has done the following:

- (a) Determined that all applicable laws and regulations enforced by him or her have been complied with;
- (b) Verified that the proper cosmetology license required by §3801.8 and §§3802.1 and 3802.2 of this chapter has been issued; and
- (c) Received the certification of the Director of Human Services that so much of §§3807 through 3816 of this chapter as is applicable and is enforced by him or her has been observed.

3802.4 Each owner of a beauty shop shall have the valid license for the business framed under clear glass or plastic, and shall post the license or cause it to be posted in a conspicuous place in the beauty shop.

3802.5 Each managing cosmetologist of a beauty shop shall have his or her manager's license framed under clean glass or plastic and shall post the license or cause the license to

be posted in a conspicuous place in the beauty shop of which he or she is a managing cosmetologist.

- 3802.6 Each beauty shop manager's license shall be posted not more than five feet (5') above the floor.

**SOURCE:** Sections 2301, 2302, and 2702 of Commissioners' Order 55-1193, issued June 23, 1955.

### **3803 COSMETOLOGY LICENSES, CERTIFICATES, AND PERMITS**

- 3803.1 Each license, certificate, or permit issued to any person by the Board shall be framed under clear glass or plastic, and shall be conspicuously posted not more than five feet (5') above the floor.
- 3803.2 Each owner of a beauty shop shall apply for and obtain from the Board an owner's license which shall be issued without examination.
- 3803.3 Any owner who is eligible for a manager's license may apply for and obtain, both an owner's license and a manager's license.
- 3803.4 In all cases, application for an owner's license shall contain the name of the manager of the shop.
- 3803.5 A license shall be obtained for each place of business, and the fee shall be paid for each license.
- 3803.6 No person shall act as an operator, manager, or instructor, as those terms are defined in the Cosmetology Act, without being licensed to do so.
- 3803.7 No person shall act as a demonstrator as that term is defined in the Cosmetology Act, without being licensed to do so. (The requirements for a demonstrator's license are set forth in §15 of the Cosmetology Act).
- 3803.8 No person shall operate a school of cosmetology without being licensed to do so. (The requirements for a school of cosmetology are set forth in §10 of the Cosmetology Act).

**SOURCE:** Section 2804 of Commissioners' Order 55-1193, issued June 23, 1955.

### **3804 QUALIFICATIONS FOR LICENSES**

- 3804.1 A person shall qualify for examination as an operator upon meeting the following requirements:
- (a) By having completed fifteen hundred (1,500) hours of training in a registered school; or
  - (b) By furnishing proof satisfactory to the Board of training and experience equivalent in the judgment of the Board to fifteen hundred (1,500) hours of training in a registered school.



- 3804.2 A person shall qualify for examination as a manager upon meeting the following requirements:
- (a) By having had at least three (3) years experience as an operator in a beauty shop; or
  - (b) By having served as an operator in a registered beauty shop for a period of not less than six (6) months after having completed two thousand (2,000) hours of training in a manager's course in a registered school, including the hours of study necessary to become an operator.

- 3804.3 A person shall qualify for examination as an instructor upon meeting the following requirements:
- (a) By having had at least three (3) years experience as an operator in a beauty shop; or
  - (b) By having served as an operator in a registered beauty shop for a period of not less than six (6) months after having completed two thousand (2,000) hours of training in an instructor's course in a registered school, including the hours of study necessary to become an operator.

- 3804.4 Whenever it has reason to believe that an applicant for a license is not morally qualified to be issued the license, the Board may request the Chief of Police to furnish to the Board a copy of the police record of the applicant.

- 3804.5 The applicant's police record shall be furnished to the applicant, upon the applicant's request, in the event his or her application is denied by the Board.

**SOURCE:** Sections 2804 and 2806 of Commissioners' Order 55-1193, issued June 23, 1955.

### **3805 STUDENT CERTIFICATES AND PERMITS**

- 3805.1 No person shall attend a school of cosmetology as a student unless the person has obtained from the Board a valid certificate of registration as a student.
- 3805.2 Students shall have completed the required number of hours of training before the first (1st) of the month in which the examination is held in order to be eligible for examination in that month.
- 3805.3 Students completing the required number of hours of training on or after the first (1st) day of the month in which the examination is held shall be scheduled for the next regular examination and, upon payment of the proper fee, shall be issued a temporary permit, if, in the discretion of the Board, the applicant's school record warrants it.

**SOURCE:** Sections 2804 and 2805 of Commissioners' Order 55-1193, issued June 23, 1955.

### **3806 LICENSE EXAMINATIONS**

- 3806.1 Applications for admission to any examinations shall be properly completed and filed with the Board of Cosmetology not later than thirty (30) days prior to the first (1st) day of the month in which the examination occurs.

3806.2 Proper completion of the application includes the following:

- (a) Payment of a fee;
- (b) Furnishing of an affidavit certifying completion of hours of schooling; and
- (c) A health certificate.

3806.3 Examinations shall be held in the District on the second (2nd) Tuesdays in January, April, July, and October at the hours and at the place as the Board shall prescribe.

**SOURCE:** Section 2805 of Commissioners' Order 55-1193, issued June 23, 1955.

### **3807 FACILITIES AND MAINTENANCE**

3807.1 Every beauty shop shall be either naturally or mechanically ventilated in the manner specified in this section.

3807.2 Where natural ventilation is provided in any beauty shop established in a new location, each room used for the purpose of cosmetology shall be provided with openings directly to the outside, which shall face on a street, public alley, or on a yard or court conforming to the requirements of the zoning regulations, the area of which shall be equal to at least one-sixteenth (1/16) of the floor area served; and which shall be located in not less than two (2) walls of the room that is ventilated.

3807.3 Not more than one-half (1/2) of the required openable area shall be provided by any one (1) wall.

3807.4 Where natural ventilation is provided for an existing beauty shop or a successor beauty shop in the same location, each room used for the purpose of cosmetology shall be provided with an opening or openings directly to the outside, which shall face on a street, public alley, or on a yard or court conforming to the requirements of the zoning regulations, the area of which shall be equal to at least one twentieth (1/20) of the floor area served.

3807.5 Doors or ventilating skylights, or both, may be included in the openable area required in §§3805.2 and 3805.4, but shall not exceed fifty percent (50%) of the required amount.

3807.6 Where mechanical ventilation is provided, it shall consist of a system providing not less than five-tenths cubic feet per minute (0.5 ft.<sup>3</sup>/min.) of fresh air for each square foot of floor area served.

3807.7 All ducts for mechanical ventilation systems shall be constructed in accordance with the D.C. Building Code.

3807.8 Air velocities within the ducts and across the face of any louver, grille, or other ventilating opening within the area served by mechanical ventilation shall not exceed four hundred feet per minute (400'/min.) across the face of the louvers, grilles, or other openings into the ventilated area.



- 3807.9 In all installations, the ducts and fans shall be designed and maintained so that the noise from the installations shall not exceed by more than ten (10) decibels the noise which obtains within the area served.
- 3807.10 Where mechanical ventilating systems are used, not more than seventy-five percent (75%) of the air may be recirculated, but the recirculated air shall not be taken from a plenum or system fed with air returned from any habitable room, or from space occupied by another business from which noisome odors, noxious gases, vapors, dusts, fumes, or any other objectionable air contaminants arise or are created.
- 3807.11 Air circulated within the beauty shop area shall not be considered recirculated air.
- 3807.38 Air from toilet rooms or water closet compartments shall not be recirculated.
- 3807.13 Where a mechanical or positive ventilating system is used, a heating facility shall be provided for tempering all outside air brought in by the system.
- 3807.14 Where a beauty shop is heated by a hot air system, the system shall not use air taken from a plenum or system fed with air from any habitable room or from space occupied by another business from which noisome odors, noxious gases, vapors, dust, fumes, or any other objectionable air contaminants arise or are created.
- 3807.15 No mechanical means of ventilation shall take windows, doors, or transoms into account as a means of supplying or exhausting air.
- 3807.16 Where a mechanically ventilated area is subject to infiltration from a toilet room, the toilet room shall be mechanically ventilated.
- 3807.17 Egress provisions shall conform to the applicable provisions of the D.C. Building Code.
- 3807.18 Fire protection provisions shall conform to the applicable provisions of the D.C. Building Code.
- 3807.19 Electrical work shall conform to the applicable provisions of the D.C. Electrical Code.
- 3807.20 No building or part of a building shall be used as a beauty shop or for the operation of a beauty shop business unless there has been issued, in accordance with the requirements of the D.C. Zoning Regulations (DCMR 11), a certificate of occupancy stating that the use complies with the D.C. Zoning Regulations, and that the building or portion of the building affected complies with the requirements of the Zoning Regulations and the Building Code for that use.
- 3807.21 The issuance of a Certificate of Occupancy shall be a condition precedent to the issuance of a beauty shop license.
- 3807.22 All stairs and hallways shall be lighted by natural or artificial illumination during all hours of occupancy.

- 3807.23 Whenever any existing building is altered to conform to any of the requirements of this chapter, permits as required shall be obtained from the Department of Consumer and Regulatory Affairs and the alterations shall conform to the requirements of the applicable codes and regulations.

**SOURCE:** Sections 2401 through 2407 of Commissioners' Order 55-1193, issued June 23, 1955.

**3808 FIRE PREVENTION AND CONTROL**

- 3808.1 Wherever in this section any action is required with respect to the construction, installation, maintenance, repair, and furnishing of any devices or facilities relating to fire prevention and control, the action shall be taken by the owner or manager to the extent that the owner or manager exercises any control over the devices or facilities.
- 3808.2 Adequate and lawful facilities for the storage of combustible rubbish shall be provided and maintained during the interval between collections, in accordance with the Fire Prevention Code.
- 3808.3 The premises shall be maintained free from the spillage or accumulation of waste combustible materials and flammable liquids.
- 3808.4 The accumulations of rags, waste paper, broken furniture, or any combustible junk shall not be permitted in any portion of the premises occupied in part or in whole by a beauty shop.
- 3808.5 Heating appliances shall be installed and maintained in accordance with fire prevention and protection requirements of applicable D.C. laws and regulations. (For information, see the Construction Codes).
- 3808.6 Each oil heater shall be connected to a flue and shall be installed in accordance with the Fire Prevention Code.
- 3808.7 Ashes shall not be placed in combustible receptacles, nor on or against combustible material.
- 3808.8 Incinerator, shaft, spark arrester, and hopper doors shall be maintained in a fire-safe condition.
- 3808.9 Each gas meter room shall be kept free of combustible material, and the required ventilation for the rooms shall be provided.
- 3808.10 Fire escapes and stairways shall be kept in a good state of repair and free from obstruction.
- 3808.11 All metal and wooden parts of exterior stairways and fire escapes shall be kept painted.
- 3808.12 All fire doors for vertical and horizontal communications shall be maintained in an operable condition in accordance with their required function.



- 3808.13 All public and exit corridors shall be kept free of obstructions.
- 3808.14 All emergency and exit lights shall be maintained in an operable condition, and shall be kept burning at all times when the premises are occupied.
- 3808.15 All required exit directional signs shall be provided and maintained.
- 3808.16 All required fire alarm systems shall be maintained in an operable condition.
- 3808.17 Informative signs concerning the operation of the local fire alarm system shall be provided and maintained at each striking station.
- 3808.18 All required fire extinguishing equipment shall be properly maintained.
- 3808.19 All required fireproofing shall be maintained in a good state of repair.

**SOURCE:** Sections 2501 through 2508 of Commissioners' Order 55-1193, issued June 23, 1955.

### **3809 OPERATIONS**

- 3809.1 The licensee of each beauty shop shall be responsible for furnishing the plans, facilities, equipment, and supplies that are required in this chapter.
- 3809.2 The licensee of each beauty shop shall be responsible for the conduct, maintenance, and operation of the business.
- 3809.3 The licensee of each beauty shop shall be responsible for the practice of cosmetology by persons operating in the beauty shop.
- 3809.4 The managing cosmetologist of each beauty shop shall be responsible for the conduct, maintenance, and operation of the business, and the practice of cosmetology by persons operating in the beauty shop. for that purpose.
- 3809.5 The managing cosmetologist shall be responsible for posting or causing to be posted within the beauty shop a copy of §§3807 through 3816 of this chapter, to be furnished by the Department and to be kept posted in a prominent place that is not more than five feet (5') above the floor.
- 3809.6 Each individual beautician or other person employed in a beauty shop shall be responsible for the observance of regulations in this chapter insofar as those regulations may apply to his or her actions as a beautician or other employee.

**SOURCE:** Section 2601 of Commissioners' Order 55-1193, issued June 23, 1955, as amended by §3(a) of the District of Columbia Beauty Shop and Barber Facilities Operation Extension Act of 1980, D.C. Code 3-137, D.C. Code §2-414 (1981).

### **3810 PLANS AND SPECIFICATIONS**

- 3810.1 Plans and specifications for any beauty shop that is established, removed to a new location, or remodeled shall be submitted to the Department before the shop may be

opened or reopened for business; Provided, that the requirements of §§3808.2 and 3808.3 apply.

3810.2 If plans satisfactory to the Department relating to the shop are already on file with the Department, no additional plans and specifications need to be submitted.

3810.3 In the case of newly established beauty shops, complete plans of the shop layout shall be provided. In the case of remodeled shops, the plans shall be of sufficient detail to show the extent and effect of the remodeling.

3810.4 The plans required in this section shall be drawn to scale and shall show entrances, partitions, windows, openings, heating, ventilation, vestibules, toilets, water supply, waste connections, sanitary equipment, and other pertinent details as may be required by the Director.

3810.5 For the purposes of this section, the term "remodeling" shall include any change in the design or layout of a beauty shop that does the following:

- (a) Increases or decreases the light or ventilation of the shop;
- (b) Changes any plumbing facilities; or
- (c) Changes any permanently installed partitions, booths, or other fixtures.

**SOURCE:** Section 2602 of Commissioners' Order 55-1193, issued June 23, 1955.

### **3811 FACILITIES**

3811.1 Unless the Director certifies in writing that a business other than the conduct of a beauty shop may be conducted in the same room with a beauty shop without creating a public health hazard, each beauty shop shall be completely separated by a floor-to-ceiling wall or partition unpierced by any door or window from any room in which any other business is conducted and from any place designed or intended for human habitation.

3811.2 The wall or partition required in §3809.1 shall be constructed in accordance with the requirements of the D.C. Building Code.

3811.3 A beauty shop may have a door or window opening directly on a public corridor, hallway, passageway, or lobby, or to the outside of the building.

3811.4 Except as otherwise provided in the §3809.2, access to any other business or to any place designed or intended for human habitation shall not be through a beauty shop, but shall be by means of a separate entrance; nor shall there be access to any beauty shop except directly from the outside of the building or through space intended and available for use by the public.

3811.5 Each beauty shop shall have at least one (1) water closet facility, which shall be deemed adequate if it meets the following requirements:

- (a) The water closet is located within the same building as the beauty shop;



- (b) The water closet is accessible without going outside the building or through space exclusively controlled by another;
- (c) The water closet may be reached by a line of travel not exceeding one hundred feet (100'); and
- (d) The use of the water closet is not shared by any dwelling unit.

3811.6 Walls of toilet rooms and water closet compartments shall have non-absorbent surfaces.

3811.7 All toilet rooms and water closet doors shall be self-closing.

3811.8 The floors of toilet rooms and water closet compartments shall comply with the requirements of §110 of chapter 1 of title 22.

3811.9 Adequate facilities for heating the beauty shop shall be provided in accordance with the requirements of §110 of chapter 1 of title 22.

3811.10 All rooms used for the purpose of beauty culture shall be provided with artificial illumination, reasonably uniformly distributed so as to give an illumination of an intensity of thirty (30) foot candles at the working surface on each work stand.

3811.11 Artificial illumination shall be reasonably free from glare.

**SOURCE:** Section 2603 of Commissioners' Order 55-1193, issued June 23, 1955.

## **3812 MINIMUM EQUIPMENT**

3812.1 Each beauty shop shall have the equipment required in this section.

3812.2 There shall be at least one (1) lavatory with running hot and cold water for general shop purposes, and at least one (1) lavatory with running hot and cold water for shampoo purposes.

3812.3 Any shampoo lavatory serving a cosmetology chair or chairs or shampoo booth or booths shall be equipped with shampoo fittings and trim.

3812.4 Shampoo lavatories, other than those in booths, shall not be spaced closer than four feet (4') center to center.

3812.5 In existing shops, the Director shall permit variations from the requirements of §3812.4 by not more than eighteen inches (18").

3812.6 All fittings and fixtures shall be of a design and installed or operated so as to prevent the possibility of any cross-connection or inter-connection between waste and portable water.

3812.7 In new and remodeled beauty shops, there shall be at least one (1) service sink not less than sixteen inches (16") wide, sixteen inches (16") long, and ten inches (10")

deep, with running hot and cold water for custodial purposes and not for customer service.

- 3812.8 Where a part of any premises is used for a beauty shop, it shall be sufficient if the plumbing fixture for custodial purposes is provided within the building if it can be reached by a line of travel not exceeding one hundred feet (100'), without going outside of the building, and if it is not used in connection with any dwelling unit.
- 3812.9 There shall be a closed storage cabinet or cabinets for supplies, clean linens, and storage space for supplies and other materials used in the practice of beauty culture.
- 3812.10 In addition to the equipment required in §§3810.2 through 3810.9, each beauty shop shall have the following:
- (a) Storage space for custodial equipment and supplies;
  - (b) Covered metal containers for all waste material;
  - (c) Supplies of disinfectant and fungicide approved by the Director;
  - (d) Clean laundered towels, hair capes, and shampoo capes;
  - (e) Neck strips and suitable dispensers;
  - (f) A hair dryer;
  - (g) Hairdressing stand or dresserette with a shelf and mirror;
  - (h) Manicure table with a table lamp; and
  - (i) Facial or all purpose chair.
- 3812.11 Each all-purpose cosmetology station or booth shall have the following equipment:
- (a) All-purpose cosmetology chair;
  - (b) Covered container for disinfecting tools;
  - (c) Closed cabinet or covered container for clean tools;
  - (d) Shampoo dispenser;
  - (e) Waving fluid dispenser, if waving fluid is used;
  - (f) Container for waste material; and
  - (g) Portable shampoo board, where necessary.
- 3812.12 Each manicurist station shall have the following equipment:
- (a) Manicuring stand, either stationary or movable, with a lamp;



- (b) Closed cabinet or covered container for the storage of clean and disinfected manicuring instrument;
- (c) Covered container of a size that will accommodate the instruments to be disinfected; and
- (d) Closed container for waste materials.

3812.13 Each beautician shall have not less than six (6) combs, four (4) brushes, and two (2) sets of other cosmetology tools that require sterilization after use, except razors, thinning scissors, or clippers.

3812.14 Each manicurist shall have not less than two (2) complete sets of manicuring instruments.

**SOURCE:** Section 2603 of Commissioners' Order 55-1193, issued June 23, 1955.

### 3813 WORKING SPACE

3813.1 To provide adequate working space in every new or remodeled beauty shop, each all-purpose booth in shops where use is made of hot oil or open flame shall not be less than six feet (6') wide and six feet (6') deep. Otherwise, all-purpose booths shall be not less than four and one-half feet (4 1/2') in width and depth.

3813.2 No hot oil nor any open flame shall be used in any booth that is less than six feet (6') both in width and in depth.

3813.3 Cosmetology chairs other than those in booths shall be spaced not less than four feet (4') from center to center.

**SOURCE:** Section 2603 of Commissioners' Order 55-1193, issued June 23, 1955.

### 3814 ENCLOSED BOOTHS

3814.1 For the purpose of providing adequate ventilation where a beauty shop is divided into enclosed booths by permanently installed dividing partitions on at least two (2) sides of each booth, there shall be a minimum of twenty-four inches (24") of open space between the top of the dividing partition and the ceiling, and a minimum of four inches (4") of open space between the bottom of the dividing partition and the floor.

3814.2 No booth dividing partition shall be higher than six feet (6') from the floor.

3814.3 The openings required in §3811.4 may be eliminated where a booth has forced ventilation.

3814.4 Combustible drapes shall not be used as side walls for booth spaced.

3814.5 For the purposes of this section, the term "enclosed booth" shall mean any booth having partitions on all sides, with or without a door.

- 3814.6 Where the front of a booth is completely open (except to the extent it may be closed by a drape), the side dividing partitions may be flush with the floor, but shall not be higher than six feet (6') from the floor.

**SOURCE:** Section 2603 of Commissioners' Order 55-1193, issued June 23, 1955.

**3815 SANITATION AND ENVIRONMENT: GENERAL**

- 3815.1 The windows, floors, walls, and ceilings of all beauty shops, together with all the appurtenances in each beauty shop and all tools, appliances, and other equipment used in connection with the beauty shop, shall be kept at all times in a clean and sanitary condition.
- 3815.2 The operation, maintenance, and custodial care of any beauty shop shall be performed in a clean and sanitary manner.
- 3815.3 It shall be unlawful to store or maintain in any portion of any beauty shop a bed or bedding.
- 3815.4 It shall be unlawful to maintain facilities for the preparation of meals unless the facilities are located in a room set apart and used only for that purpose.
- 3815.5 Where a kitchen (or kitchen and dining area) is established as provided in §3813.4, it shall be lighted and ventilated properly, and the space and equipment shall be subject to approval by the Director.
- 3815.6 Toilet rooms and water closet compartments shall be kept clean and in a sanitary condition.
- 3815.7 Signs requiring personnel to wash their hands immediately after each use of the water closet shall be posted in each toilet room and water closet compartment.
- 3815.8 Toilet rooms and water closet compartments shall be provided with an adequate supply of toilet tissue, soap, and towels.
- 3815.9 Mechanical ventilating systems, where provided, shall be maintained in good order, and shall be operated continuously during any period the beauty shop is occupied.
- 3815.10 The heating facilities shall be maintained and operated so as to comply with the specifications set forth in §110 of chapter 1 of title 22.
- 3815.11 The atmosphere in each beauty shop shall be maintained free of odors, noxious substances, or any objectionable air contaminant.
- 3815.12 Towels and other linens shall not be laundered or dried in any part of a beauty shop used for customer service.
- 3815.13 Where towels or other linens are laundered on the premises occupied by a beauty shop for use in the shop, the room and the equipment used for the laundering



shall conform to the applicable provisions of the "Safety Standards-Laundry, Dry-Cleaning, and Dyeing" of the D.C. Minimum Wage and Industrial Safety Board.

- 3815.14 The laundering process shall render the towels or other linens free of visible dirt or stains, free of irritating chemical residues, free of pathogenic organisms, and free of viable organisms to the extent that the total count shall always be below twenty-five (25) organisms per square inch of material.
- 3815.15 The Director may from time to time collect specimens of towels or other linen as he or she may deem necessary for laboratory examination.
- 3815.16 Illumination shall be reasonably uniformly distributed so as to give an illumination of an intensity of at least six (6) foot candles on floor surfaces, free of intense shadows to prevent tripping hazards, and at least thirty (30) foot candles on all working surfaces.
- 3815.17 Illumination shall be reasonably free from glare.
- 3815.18 The keeping of any pet, including a dog, cat, bird, fowl, or other animal, in any beauty shop is prohibited.
- 3815.19 All beauty shops and appurtenances shall be free of rodents and vermin.

**SOURCE:** Section 2604 of Commissioners' Order 55-1193, issued June 23, 1955.

#### **3816 SANITATION: TOOLS AND IMPLEMENTS**

- 3816.1 Each beauty shop shall be provided with, and the manager of the shop shall require the regular use of, proper facilities for the disinfection and fungicidal treatment of all instruments and implements employed in the practice of cosmetology.
- 3816.2 Containers for disinfecting and fungicidal solutions shall be provided with covers and shall be of a size that will accommodate all instruments and implements to be disinfected or treated against fungi.
- 3816.3 A sufficient amount of solution shall be provided in each disinfecting and fungicidal container at all times for the proper disinfection and treatment of all instruments and implements.
- 3816.4 Specimens may be taken from time to time by the Director to determine whether the instruments or implements used in a shop are free of pathogenic organisms and fungi, and whether the disinfecting and fungicidal solutions are suitable for their purposes.
- 3816.5 No beautician shall use for the service of any customer a comb, brush, or any implement that has not been thoroughly cleansed and disinfected since last used.
- 3816.6 Immediately after use on each patron, all combs, brushes, hairpins, bobby pins, clips, clamps, scissors, tweezers, sponges, rubber pads or discs, hairnets, removable parts of vibrators, utensils, applicators, manicuring instruments, and other articles, except clippers, used in the practice of cosmetology shall be treated in the following manner:

- (a) Cleansed of all hair and other extraneous material;
  - (b) Thoroughly washed with soap and hot water to remove all film and debris (non-rusting equipment only);
  - (c) Effectively disinfected; and
  - (d) Dried in a sanitary manner and placed in a clean, closed cabinet or covered container.
- 3816.7      Clippers shall be kept clean at all times.
- 3816.8      After the service of each patron, hair and debris shall be removed from the body and blades of each clipper by manually wiping the clipper with a clean, dry cloth or clean disposable tissue, or by brushing with a clean brush used for this purpose only.
- 3816.9      All disinfecting solutions shall be renewed as often as necessary to retain their strength.
- 3816.10     Containers used for disinfecting purposes shall be thoroughly cleaned at the close of each day and refilled with new unused solution.
- 3816.11     Clipper blades shall be effectively treated to remove all pathogenic organisms and fungi by one (1) of the following methods after use on each patron and before being used for the service of any other patron:
- (a) **Oil bath** - The upper and lower blades of the clipper shall be immersed in a hot oil bath ninety degrees Centigrade (90° C.) to one hundred degrees Centigrade (100° C.) for a minimum of two (2) minutes. Oil of proper viscosity that has a boiling point of one hundred fifty degrees Centigrade (150° C.) to two hundred fifty degrees Centigrade (250° C.), and a flash point in excess of one hundred ten degrees Centigrade (110° C.) shall be used. Oil shall be heated by means of an electrical device thermostatically controlled to maintain temperature at between ninety degrees Centigrade (90° C.) and one hundred degrees Centigrade (100° C.), the heating element of which shall be enclosed and insulated from the frame of the appliance, and shall not be in contact with the liquid. In other respects, appliances shall conform to the provisions of the Underwriters Laboratories Standard for Electric Heating Appliances. The clipper blades shall be agitated two (2) or three (3) times for a period of five (5) to ten (10) seconds during the time that they are in the hot oil bath. The oil container shall be thoroughly cleaned at the close of each day and shall be filled with new unused oil; or
  - (b) **Liquor cresolis compositus** - Clipper blades may be immersed in a ten percent (10%) solution of liquor cresolis compositus USP for fifteen (15) minutes, or in a boiling ten percent (10%) solution of liquor cresolis compositus USP for three (3) minutes, or in a three and eight-tenths percent (3.8%) solution of formaldehyde for fifteen (15) minutes in lieu of sterilization with hot oil.
- 3816.12     In both cleaning methods, the clipper blades shall be agitated two (2) or three (3) times for a period of five (5) to ten (10) seconds each while in the disinfecting solution.



3816.13 Closed cabinets and covered containers used for the storage of supplies, clean linen, and disinfected tools shall be kept in a clean and sanitary condition at all times, and shall be washed with a disinfecting solution at regular intervals.

3816.14 Permanent wave felts, protectors, heaters, and accessories shall be kept clean at all times and all except heaters shall, when not in use, be kept in a dust-free cabinet or drawer.

**SOURCE:** Section 2605 of Commissioners' Order 55-1193, issued June 23, 1955.

**3817 SANITATION: SINGLE-USE ITEMS AND LINENS**

3817.1 No beautician in any beauty shop shall use for the service of a patron any neck strip, towel, or wash cloth that has been used for any other patron unless the neck strip, towel, or washcloth has been been laundered since last used.

3817.2 When a hair cloth or shampoo cape is used in serving a patron, a neck strip, freshly laundered towel, or other suitable protection shall be placed between the hair cloth or shampoo cape and neck of the patron.

3817.3 Soiled or unclean hair cloths or shampoo capes shall not be used.

3817.4 Disposable ear tabs shall not be used on more than one (1) patron.

3817.5 A permanent wave pad shall be used only one (1) time, and shall be discarded or destroyed as soon as it is removed from the rods.

3817.6 Cotton pads, absorbent cotton, disposable toilet articles, and other single service items shall not be used on more than one (1) patron, and shall be placed in a proper waste receptacle immediately after use.

**SOURCE:** Section 2606 of Commissioners' Order 55-1193, issued June 23, 1955.

**3818 HYGIENE**

3818.1 The common use of cosmetological aids is prohibited.

3818.2 Lump alum and styptic pencils shall not be used.

3818.3 Styptic shall be applied only in liquid or powdered form on clean cotton or gauze.

3818.4 Powder puffs shall not be used unless they are of the single service variety.

3818.5 Cake powder shall not be used.

3818.6 Powder provided for customer use shall be kept in a shaker type dispenser, and shall be applied with a single service applicator.

3818.7 Where creams are provided in jars or similar containers, they shall be removed with a clean spatula for the use of each patron.

- 3818.8 Unused portions of cream remaining from service on a patron shall be discarded.
- 3818.9 Where cuticle remover is provided in bottles or jars, enough shall be removed for the uses of each patron.
- 3818.10 Unused portions of remover remaining from service on a patron shall be discarded.
- 3818.11 Beauticians shall not carry any combs or other instruments in a pocket.
- 3818.12 Hairpins and extra hair pieces that are temporarily removed from a patron's head shall be kept separately and wrapped in a clean towel.
- 3818.13 Finger waving fluids shall be applied to the hair only by dripping, pouring, or spraying on the hair from a dispenser.
- 3818.14 Excess waving fluid from the hair of a patron shall not be recovered, stored, or used on another patron.
- 3818.15 There shall not be more than two (2) operators for each shampoo bowl or lavatory in a beauty shop, nor more than twenty-five (25) students for each four (4) shampoo bowls or lavatories in a school.
- 3818.16 Each beautician shall cleanse his or her hands thoroughly with soap and running water immediately before serving each patron.
- 3818.17 While on duty in a beauty shop, male beauticians shall wear clean, washable coats, smocks, or shirts.
- 3818.18 While on duty in a beauty shop, female beauticians shall wear clean, washable uniforms, dresses, or smocks.
- 3818.19 No person shall engage in the practice of cosmetology when suffering from disease in a communicable form.

**SOURCE:** Sections 2607 and 2608 of Commissioners' Order 55-1193, issued June 23, 1955.

### **3819 INFECTED AND INFESTED PATRONS**

- 3819.1 No beautician shall serve any patron when the skin of the patron's face, neck, or scalp is inflamed, contains pus, or is erupted, unless the patron provides the necessary implements for individual use and submits a certificate from a duly licensed physician or the Director stating that the inflammation or eruption is not communicable.
- 3819.2 No beautician shall serve any person infected with *pediculus capitis* (head lice).

**SOURCE:** Section 2609 of Commissioners' Order 55-1193, issued June 23, 1955.

**3820 - 3821 [RESERVED]**



**3822 SIGNS AND ADDRESSES**

3822.1 Each school of cosmetology or beauty shop shall be designated by an appropriate sign, which shall be displayed upon or over the entrance door or doors of the place.

3822.2 Each registered beautician shall report to the Board any change of address, whether business or residential, within five (5) days after the change.

**SOURCE:** Section 2801 of Commissioners' Order 55-1193, issued June 23, 1955.

**3823 BEAUTY SHOP MASSAGES**

3823.1 No beautician shall massage any part of the body of any person of the opposite sex, other than the scalp or face of the person.

3823.2 As used in this section, "face" shall mean the front part of the human head, including the chin, mouth, nose, cheeks, eyelids, ears, and forehead.

**SOURCE:** Section 2802 of Commissioners' Order 55-1193, issued June 23, 1955, as amended by Commissioners' Order 64-550, issued April 9, 1964.

**3824 BEAUTY SHOP MANAGERS**

3824.1 Each beauty shop shall have at least one (1) manager who shall be a licensed managing cosmetologist.

3824.2 The managing cosmetologist of each beauty shop shall be on duty at all times while the shop is open for business.

3824.3 The managing cosmetologist of each beauty shop shall register as such with the Board of Cosmetology, and shall make certain that all beauticians employed in the shop he or she manages have valid licenses to practice cosmetology.

3824.4 The managing cosmetologist of a beauty shop shall require the practice of cosmetology in the shop to be conducted in a reasonably prudent manner, and in conformity with the Cosmetology Act and this chapter.

**SOURCE:** Section 2803 of Commissioners' Order 55-1193, issued June 23, 1955.

**3825 - 3826 [RESERVED]****3827 BOOTH RENTING**

3827.1 This chapter is applicable to the following persons:

- (a) Each person who is licensed under the Cosmetology Act as both an owner and a manager and who, in connection with the practice of cosmetology, is the lessee of a booth located in a beauty shop, as defined in this chapter; and
- (b) Each person owning or operating a beauty shop, and who leases one (1) or more booths in the shop to persons engaged in the practice of cosmetology as independent operators who are booth renters.

3827.2 Each rented booth shall contain the following facilities:

- (a) Covered metal containers for all waste materials;
- (b) Supplies of disinfectant and fungicide approved by the Director;
- (c) Clean laundered towels, hair capes, and shampoo capes;
- (d) Neck strips and suitable dispensers;
- (e) Hair dryer;
- (f) Hairdressing stand or dresserette with a shelf and mirror;
- (g) Facial or all-purpose chair;
- (h) Closed cabinet for clean linen;
- (i) Closed container for soiled linen;
- (j) Portable shampoo board, where necessary; and
- (k) Not less than six (6) combs, four (4) brushes, and two (2) sets of other cosmetology tools as require sterilization after use, except razors, thinning scissors, or clippers.

3827.3 Each owner or operator of a beauty shop shall be responsible for the sanitation and maintenance of those facilities in the shop used in common by two (2) or more beauticians, including booth renters.

3827.4 For the purpose of this section, "booth" shall mean an area within a beauty shop, not less than six feet (6') wide and six feet (6') deep, enclosed by walls or partitions on at least three (3) sides, and including certain minimum facilities and equipment for the exclusive use of the booth renter leasing the booth.

3827.5 For the purposes of this section, "booth renter" shall mean any beautician licensed both as an owner and a manager under the Cosmetology Act who is the lessee of so much designated space within a beauty shop as may be enclosed within the walls or partitions of a booth.

3827.6 For the purpose of this section, "booth renting" shall mean the practice whereby a person owning or operating a beauty shop, as defined in this chapter, leases so much



of the shop as may be enclosed within a booth to a beautician licensed under the Cosmetology Act both as an owner and a manager, for the purpose of permitting the beautician to engage in the practice of cosmetology as an independent operator, performing within the booth all of the operations ordinarily connected with the practice of cosmetology.

3827.7 Each owner or operator of a beauty shop leasing any booth in the shop to a booth renter shall provide the following facilities for the common use of the several booth renters or operators in the shop:

- (a) At least one (1) lavatory with hot and cold running water for general shop purposes; and
- (b) At least one (1) service sink not less than sixteen inches (16") wide, sixteen inches (16") long, and ten inches (10") deep, with running hot and cold water for custodial purposes and not for customer service.

3827.10 Each booth renter shall be responsible for the following:

- (a) Observance of all regulations relating to the practice of cosmetology;
- (b) The sanitation of the total area occupied by the booth; and
- (c) The sanitation and sterilization (where required) of the equipment used in the booth.

3827.11 Each person owning or operating a beauty shop who leases any booth in the beauty shop to a booth renter shall be responsible for the following:

- (a) Taking reasonable precautions to determine that the lessee of the booth is the holder of valid licenses as an owner and a manager to practice cosmetology in the District;
- (b) Observance of all regulations applicable to all portions of the beauty shop outside of the immediate area leased to the booth renter; and
- (c) The proper maintenance of the plumbing, heating, drying, and lighting facilities throughout the beauty shop, including the facilities within any booth leased to a booth renter.

**SOURCE:** Sections 2809, 2902 through 2905, and 2907 of Commissioners' Order 55-1193, issued June 23, 1955, as amended by §3(b) of the District of Columbia Beauty Shop and Barber Facilities Operation Extension Act of 1980, D.C. Law 3-137, D.C. Code §2-414 (1981).

## 3899 DEFINITIONS

3899.1 When used on this chapter, the following terms and phrases shall have the meanings ascribed:

**Beautician** - any person who engages in any of the practices of cosmetology, whether as an owner, manager, operator, instructor, demonstrator, manicurist or student.

**Beauty shop** - any building or portion of a building within the District of Columbia in which any person (whether as an owner, manager, operator, manicurist, demonstrator, instructor, or student) is engaged in the practice of cosmetology. This term shall include all portions of the premises under the control of the owner or manager of the business that are used in part or in whole for the conduct of the business. For the purpose of this chapter, the term "beauty shop" shall include any school of cosmetology.

**Board** - the Board of Cosmetology of the District of Columbia or its agent.

**Common space** - all portions of the premises used in common by more than one (1) tenant, and not under the exclusive control of any tenant.

**Cosmetology Act** - the Act approved June 7, 1938 (52 Stat. 611; Title 2 D.C. Code, chapter 9).

**Department** - the Department of Human Services of the District of Columbia.

**Director of Consumer and Regulatory Affairs** - the Director of the D.C. Department of Consumer and Regulatory Affairs or his or her agent.

**Director** - means the Director of the D.C. Department of Human Services or his or her agent.

**Fire Chief** - the Fire Chief of the Fire Department of the District of Columbia or his or her agent.

**Person** - includes any individual, firm, corporation, association, or partnership.

**Premises** - a beauty shop, any rest room, waiting room, hall, lounge, storage room, fences, sheds, garages, or other accessory buildings appurtenant to a beauty shop, and the area of land surrounding the beauty shop and actually or by legal construction forming a single enclosure in which the beauty shop is located or where cosmetology is practiced, and which are under the control of the licensee or used by him or her directly or indirectly in connection with the beauty shop.

**Tenant** - any person who holds or possesses a building or part of a building in subordination to the title of the owner or operator of the premises, with the consent of the owner or operator.

**SOURCE:** Section 2102 of Commissioners' Order 55-1193, issued June 23, 1955.